



September 1, 2022

**BY ECF**

**MEMO ENDORSED**

Hon. Katherine Polk Failla, U.S.D.J.  
United States District Court  
Southern District of New York  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street  
New York, New York 10007-1312

Re: Mt. Hawley Ins. Co. v. Plymouth Plaza LLC  
(U.S. Dist. Ct. S.D.N.Y., Civil Action No. 1:22-cv-04682-KPF)

Our File: 442093

Dear Judge Failla:

This firm represents plaintiff Mt. Hawley Insurance Company ("Mt. Hawley"). Today, we filed an Amended Complaint in this action pertaining to Mt. Hawley's disclaimer of coverage under a CGL policy in connection with certain claims and suits against defendant Plymouth Plaza LLC ("Plymouth Plaza"). We did not serve the original complaint. Rather we prepared and filed the amended complaint because, subsequent to filing the original complaint, Mt. Hawley made a payment, reserving all of its rights, to resolve an underlying suit against Plymouth Plaza. In addition to the original causes of action, the Amended Complaint contains a cause of action for judgment for the amount of that payment.

In light of the Amended Complaint, we respectfully request the Court re-schedule the initial conference currently scheduled for September 7, 2022 at 11:30 a.m. We would ask for a date that allows time for us to effect service of the Amended Complaint, followed by the time for Plymouth Plaza to answer or otherwise appear. Upon information and belief, Plymouth Plaza has yet to retain counsel in connection with this matter. We did receive a telephone call from an attorney that may be retained by Plymouth Plaza. The attorney emphasized that he had yet to be retained, but we did discuss the case in general. We also advised the attorney of the plan to amend the complaint. We intend to forward him a copy of the Amended Complaint and this letter, although we will also effect formal service.

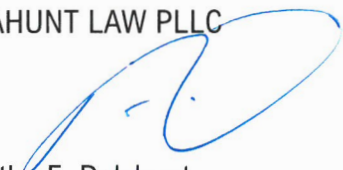
Hon. Katherine Polk Failla, U.S.D.J.  
September 1, 2022  
Page 2



We are available at anytime to provide the Court with any further information, or to otherwise discuss this case. Thank you for considering this request.

Respectfully submitted,

DELAHUNT LAW PLLC



Timothy E. Delahunt  
[tdelahunt@delahuntpllc.com](mailto:tdelahunt@delahuntpllc.com)

Application GRANTED. The initial pretrial conference in this matter is hereby ADJOURNED to **December 14, 2022, at 11:00 a.m.**

The Clerk of Court is directed to terminate the motion at docket entry 9.

Dated: September 1, 2022  
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE